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action of detinue, and became a concurrent remedy with trespass *de bonis asportatis*, he could hardly fail to throw light on the difficulties of the existing law of conversion. Mr. Pollock has given no space to historical details, but he has stated the law as it is with accuracy and clearness. The subject of Negligence, for example, usually so confused and voluminous, is well covered in a single chapter of about forty pages.

To a student seeking a general theory of the law of torts, the principle of classification adopted by Mr. Pollock will probably be the most interesting part of the book. One form of its statement, found on page 17, is in these words: "Liability for delict, or civil wrong in the strict sense, is the result either of wilful injury to others, or wanton disregard of what is due to them (*dolus*), or of a failure to observe due care and caution, which has similar though not intended or expected consequences (*culpa*). We have, moreover, apart from the law of trespass, an exceptionally stringent rule in certain cases, where liability is attached to the befalling of harm without proof of either intention or negligence." In other words, all torts may be divided into these three classes: 1. Cases where an actual intention to do harm is necessary. This includes but a very small part of the law of torts at present, though malicious prosecution may be cited as an example. 2. Cases where the actor is liable only for failing to act in the circumstances up to the standard set by the law, that is, the conduct of a prudent man. This covers the great bulk of the law of torts, including the subject of Negligence. 3. Cases where the actor is liable, regardless of intention or negligence, that is, he acts at his peril. The type of this class of cases is *Fletcher v. Rylands*. This division embraces the whole subject, and all torts might be arranged and discussed under these heads, regardless of the forms of action. For example, trespass by entering upon real estate, and conversion by an innocent purchaser from a wrongful possessor, both being cases where a man is liable regardless of intention or negligence, belong, in a strictly scientific arrangement, under the same title with *Fletcher v. Rylands*. Such an arrangement might be a bold step at present, but Mr. Pollock's book will certainly do good service in preparing the way for the final statement and classification of the law of torts in the future.

W. S.

CONSTITUTIONAL PROHIBITIONS. By Henry Campbell Black, of the Williamsport (Pa.) bar. Little, Brown & Co., Boston. 316 pp. 8vo.

This "essay," as the author styles it, is divided into three parts. The first and third treat respectively of the application of that clause of the Constitution of the United States (Art. I., Sect. 10) which prohibits a State from impairing the obligation of contracts, and of the clauses (Art. I., Sects. 9 and 10) which forbid both Congress and the States to pass *ex post facto* laws and bills of attainder. Part II. treats of the way in which the States have dealt with retroactive laws not forbidden by the clauses above mentioned.

The author favors the historical method of treating his subject, and has applied it wherever practicable, *e. g.*, in showing that a State may constitutionally pass insolvent laws. The book is not full of original discussions, or of attempts to show what the law ought to be. To give

a clear statement of the law as it exists seems to be the dominating idea. And this has been very successfully done. If the decisions on any point are in harmony, the principle is given clearly and concisely. If, however, there is a seeming conflict among the cases, every endeavor is made to bring them into line along some general principle, and usually with good results; as, for instance, in formulating the rule that remedies may be changed by State legislatures provided that a substantial remedy is left.

Exceptions may perhaps be taken to certain things in the book, as, for example, to the use of the phrase "executory contracts" in Sect. 22, where it is said that "executory contracts may be cancelled." What is meant is that offers to make a contract or preliminaries to a contract do not bind the State; a statement which is undoubtedly true. But when the contract, even though executory, is once complete, it cannot be impaired by the State. Again, in Sect. 63 it is said that a grant by the State of the privilege of pursuing any business which is against public health and public morals is not a contract, and that a statute revoking the grant is not unconstitutional. What seems the correct explanation of the constitutionality of such a statute is given by the author himself in Sect. 72, where he makes the grant liable to the condition subsequent that the grantor may rescind if the public need requires.

The value of the book lies in its being the first work of any size upon the subject, in its general accuracy of statement, and in its reliable citation of cases. The value is enhanced by a full table of cases cited, and by a good index.

B. E.

TALKS ABOUT LAW. [A Popular Statement of What Our Law Is and How it is Administered, by Edmund P. Dole. Crown 8vo. 516 pp. Boston and New York, Houghton, Mifflin, & Co. Riverside Press, 1887.]

This is not a law book. Its object is, rather, to take the place of many law books with the general reader, by combining in one work a brief and general statement of the origin and development of the law and of the mode in which it is administered by our courts. Treating of so broad a subject in so narrow a limit, the book must necessarily be unsatisfactory to the lawyer. To the non-professional reader, however, it affords an easy means of acquiring a general and cursory knowledge of the principles of the various branches of the law. It is a question if this object would not have been accomplished in a more satisfactory manner by omitting some of the more unimportant chapters, such as that on Pulpit and Pew, and by utilizing the space thus saved in a more careful explanation of the remaining subjects. The chapters on these side issues, however, such as that on the "Benefit of Clergy," are among the more interesting which the book contains. The repetition of New Hampshire cases and New Hampshire courts gives the work a somewhat local interest, which might well have been avoided in a book for the general reader.

M. C. H.

THE NATIONAL REPORTER SYSTEM (published by the West Publishing Company, St. Paul, Minn.) has begun the publication of the American Digest, which gives a full and complete digest of the points decided in all the current cases reported in the various publications of